



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Application Number: 2300683
Applicant Name: Kai Chong
Address of Proposal: 618 W. Emerson Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of a 2-unit townhouse in an environmentally critical area (Potential Slide Area). Project includes minor alterations to existing 2-unit ground related residence. Surface parking for three (3) vehicles to be provided.

The following approval is required:

SEPA – Environmental Determination, Chapter 25.05 of the Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

This rectangular shaped proposal site is approximately 4,403 square feet in area located in a Multifamily Residential Lowrise 2 zone. It is on the north side of West Emerson Street and is the third lot west of 6th Avenue West. The proposal site has a 40.03 linear feet of front lot line

on West Emerson Street and 40.03 linear feet of rear alley lot line. The proposal site has a lot depth of one hundred ten feet (110'). West Emerson Street is improved with an approximately twenty-foot (20') wide paved roadway, no concrete curbs, no planting strips but with five-foot (5') wide concrete sidewalk on the north side approximately fourteen feet (14') away from the front street lot line. The abutting alley to the north of the proposal site has an existing right-of-way width of fifteen feet (15') and is improved with concrete pavement.

The south half of the site has an existing residential duplex with no parking provided. The north half of the site is an existing open area with ground cover and is vegetated with shrubs and some bushes along the lot lines. It is also where the proposed two townhouses will be built. Three parking spaces will be provided for the two new townhouses and the existing duplex and will have direct access off the existing improved alley. New trees will be planted on the site as required by Code and some new ground cover and landscaping will be provided for the open spaces for the units.

Pedestrian paved walkways will be provided for units to access parking spaces, the existing alley and West Emerson Street.

Development in the Vicinity

The zoning adjacent to the east and west of the site is Lowrise (L-2). To the north across the existing alley is Lowrise (L-3 RC) and beyond West Nickerson Street is C-2 40'. To the northeast, east and southeast zoning is mostly Major Institution Overlay (MIO L3-RC, MIO NC2 & MIO L-2, and MIO L-1) correspondingly. The zoning to the south across West Emerson Street and directly to the west is Lowrise (L-1). The existing streets and alleys in the vicinity are improved to standards for the zone.

The development of the properties to the immediate north are a few old single family houses but duplexes, triplexes, fourplexes and apartments are predominant. To the immediate east, the development is mostly duplexes, triplexes, fourplexes, apartments and boarding houses for the institution (Seattle Pacific University). The development to the south is predominantly lowrise development such as duplexes, triplexes, fourplexes but with quite a few old single family houses. Then to the west, there are a mix of single family houses, duplexes, triplexes and fourplexes.

Proposal Description

The applicant proposes to construct a two-story, two (2) unit townhouse with partial basement in an environmentally critical area (Potential Slide Area). The project includes minor alterations to the existing two unit ground related residence. Vehicular access to the townhouses is through the existing improved alley abutting the site to the north, and pedestrian access to the dwelling units is from West Emerson Street, which is developed with existing concrete sidewalk, paved roadway, but with no curbs nor planting strips.

Public Comments

The public comment period for this proposal began on August 7, 2003 and ended on August 20, 2003. No comment letter was received regarding this proposal.

ANALYSIS - SEPA

This proposal site is located in a landslide-prone area, thus the application is not exempt from environmental review. However, SMC 23.05.908 provides that the scope of environmental review of projects within the critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmental Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigating measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a threshold determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 23.05).

The initial disclosure of the potential environmental impacts on this project was made in the environmental checklist prepared by the applicant dated August 1, 2003. The information in the checklist, field inspection and the experience of the lead agency with similar projects form the basis of this analysis and decision.

The Department of Planning & Development has analyzed and annotated the environmental checklist submitted by the applicant; reviewed the project plans and any additional information in the file; and any comments which may have received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to the temporary nature and the limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05665 D) clarifies the relationship between the codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances

(SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short Term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion due to excavation and/or stormwater runoff; and 2) increased vibration caused by construction activities and equipment operations. These impacts are temporary and/or minor in scope and therefore considered not significant (SMC 23.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. The proposal includes limited excavation of soils for construction due to the fact that majority of the work proposed is being done within the north half of the lot. The existing residential duplex on the south half of the lot will remain but with minor interior alterations. The Stormwater, Grading and Drainage Control Code requires that the soil erosion control techniques be initiated for the duration of construction. The Environmentally Critical Areas (ECA) Ordinance and DR 3-93 and 3-94 regulate the development and construction techniques in designated ECA's. The Building Code provides for construction measures in general. The Street Use Ordinance requires watering streets or alley to suppress dust, removal of debris and regulates obstruction of pedestrian right-of-way. The Noise Ordinance regulates the time and amount of construction and equipment noise that is permitted in the City. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Therefore, compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environment and no further conditioning pursuant to SEPA policies is required.

Since the site is within an identified ECA (Potential Slide Area), a further discussion of the Code based requirements is warranted. The ECA Ordinance and the Directors Rule (DR) 3-93 may require submission of a soils report and detailed Geotechnical and Engineering studies to evaluate the site conditions and provide recommendations for safe construction within identified geological hazard areas.

A site visit by DCLU confirmed that the site slopes up from the existing alley towards the abutting street. The presence of some portions of steep slope and small portions of retaining walls are clear evidence of previous minor site grading on the site. Along the east property line a rockery retaining wall protects a cut created by development in the adjacent property. Construction plans and erosion control techniques can be applied to protect this cut to prevent impact on the adjacent properties.

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information required to show conformance with the applicable ordinance and codes (ECA Ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93 and 3-94) will be required prior to issuance of Building Permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure that safe

construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long term Impacts

Potential long-term or use-generated impacts associated with the approval of this proposal include stormwater, erosion potential and stability of the site. Adopted City codes and/or ordinances provide mitigation for identified impacts, and these are: the ECA Ordinance Chapter 25.09.100; Development Standards for Potential Slide Areas; Stormwater, Grading and Drainage Control Code which requires on-site detention of on-site water runoff with provisions for controlled tightline release to an approved outlet into the City storm system and this may also require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows. Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts and no further conditioning is warranted by SEPA policies.

DECISION – SEPA

The decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 430 43021C including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS

None.

Signature: (signature on file) Date: November 3, 2003
Edgardo R Manlangit, Land Use Planner
Department of Planning & Development
Land Use Division